

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 3477 of 2018

1. Sanjeev Kumar Shrivastava S/o Late Gopal Krishna Shrivastava, aged about 40 years, Occupation Assistant Foreman, Bharat Cooking Coal Limited, Pootkee Colliery, B.P. Area, District Dhanbad (Jharkhand).
2. Dhanbad Colliery Karmachari Sangh, Registration No.2805, Vishwakarma Bhawan, Police Line, Hirapur, Dhanbad (Jharkhand), Through the Joint Secretary, petitioner No.1.

---Petitioners

Versus

1. South Eastern Coalfield Limited, Through The Chairman-Cum-Managing Director, Basant Vihar, Seepat Road, Bilaspur, District Bilaspur Chhattisgarh.
2. General Manager (Personnel) NEE/PAF/PENSION/SECL, Head Office, Basant Vihar, Bilaspur Chhattisgarh.
3. Chief Vigilance Officer, South Eastern Coalfield Limited, Basant Vihar, Seepat Road, Bilaspur, District Bilaspur Chhattisgarh.
4. Director (Personnel), South Eastern Coalfield Limited, Basant Vihar, Seepat Road, Bilaspur, District Bilaspur Chhattisgarh.
5. Examination Controller, South Eastern Coalfield Limited, Basant Vihar, Seepat Road, Bilaspur, District Bilaspur Chhattisgarh.

---Respondents

For petitioners : Shri Ashok Kumar Shukla, Advocate.
For respondents : Shri K.K.Shrivastava, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02/05/2018

1. The challenge in the present Writ Petition is to the recruitment process initiated by the respondents for filling up the post of Clerk-Grade-III by the departmental candidates.
2. The Writ Petition has been filed in the representative capacity.

3. The petitioner No.1 has filed in the capacity of the Joint Secretary of the petitioner No.2 – Union. The petitioner No.1 is an employee working at the Bharat Cooking Coal Limited, Dhanbad and the petitioner No.2 is a Union in the State of Jharkhand which is totally unconnected with the respondent No.1.

4. Moreover, the recruitment process cannot be challenged by a person who is not a candidate himself or unless he is aggrieved.

5. The Writ Petition does not disclose either of the two conditions to have been fulfilled by the present petitioners.

6. Therefore the present Writ Petition in its present form would not be sustainable and the same deserve to be and accordingly stands dismissed.

7. However, the reluctance of this Court in entertaining the present Writ Petition would not preclude the petitioners to avail other remedies available to the petitioners before any other forum.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit